

**FILED**

**JAN 19 2012**

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

---

REQUEST OF THOMAS F. MILLER  
FOR AGENCY ACTION REGARDING  
THE DIVISION OF OIL, GAS, AND  
MINING'S ACTIONS CONCERNING  
THE VIPONT MINE, LOCATED IN  
SECTION 6 OF TOWNSHIP 14  
NORTH, RANGE 17 WEST, SECTION  
31 OF TOWNSHIP 15 NORTH,  
RANGE 17 WEST, AND SECTION 12,  
TOWNSHIP 14 NORTH, RANGE 18  
WEST, IN BOX ELDER COUNTY,  
UTAH.

**STIPULATION AND  
JOINT MOTION TO  
CONTINUE HEARING**

**Docket No.: 2012-001**

**Cause No.: S/003/ 035**

---

The Division of Oil, Gas, and Mining (Division) through its attorney of record Steven F. Alder, Assistant Utah Attorney General; and Petitioner, Thomas F. Miller, through his counsel Mark Hilty, of HAMILTON, MICHAELSON & HILTY, LLP;

HEREBY Stipulate and move the Board for continuance of the hearing of the above matter as follows;

1. The parties ask that the Board continue the evidentiary hearing set for January 25, 2012 and provide that the Petitioner shall file his Response to the Division's Motion to Dismiss no later than February 8, 2012 and the Division shall file a reply, if any, no later than February 15, 2012. If Petitioner elects, his Response may include filing of an Amended Request for Agency Action, without further motion or order.
2. The Board shall set the matter for hearing at its February 22, 2012 Board meeting with the provision that either party may request oral argument.

3. Upon entry of a decision by the Board on the Division's Motion to Dismiss, if the matter is not resolved by the decision, the Request shall be set for an evidentiary hearing as soon as reasonably possible.

Respectfully submitted this 19<sup>th</sup> day of January, 2012.

UTAH DIVISION OF OIL, GAS,  
AND MINING

THOMAS F. MILLER



Steven F. Alder  
Assistant Utah Attorney General  
1594 West North Temple St. #300  
Salt Lake City, Utah 84116



Mark Hilty, Counsel for Petitioner  
HAMILTON, MICHAELSON & HILTY, LLP  
P.O. Box 65  
1303 - 12th Avenue Road  
Nampa, Idaho 83653-0065

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing STIPULATION AND JOINT MOTION TO CONTINUE for Docket No. 2012-001, Cause No. S/003/035 to be mailed with postage prepaid, this 20th day of January, 2012, to the following:

Mark Hilty  
Hamilton, Michaelson & Hilty, LLP  
1303 – 12<sup>th</sup> Avenue Road  
PO Box 65  
Nampa, Idaho 83653-0065

Michael S. Johnson  
Assistant Attorneys General  
Utah Board of Oil, Gas & Mining  
1594 West North Temple, Suite 300  
Salt Lake City, UT 84116  
**[Via Email]**

Steven F. Alder  
Assistant Attorneys General  
Utah Division of Oil, Gas & Mining  
1594 West North Temple, Suite 300  
Salt Lake City, UT 84116  
**[Via Email]**

Thomas F. Miller  
1116 N. Frontage Rd.  
Deer Lodge, MT 59722

Mark Wilson  
NorthStar Energy LLC  
12935 South West Bayshore Drive, Ste 355  
Traverse City, MI 49684

A handwritten signature in cursive script, reading "Julie Ann Carter", is written over a horizontal line.